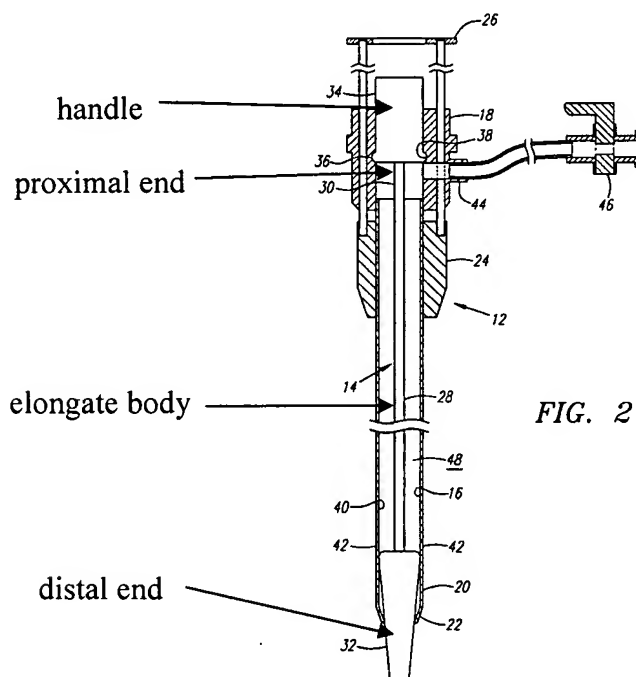


REMARKS/ARGUMENTS

Claims 1-11 remain in this application. Claims 1, 3, 4, 5, 7, 8, 9, 11 and 12 have been amended. Claims 2, 6 and 10 have been cancelled.

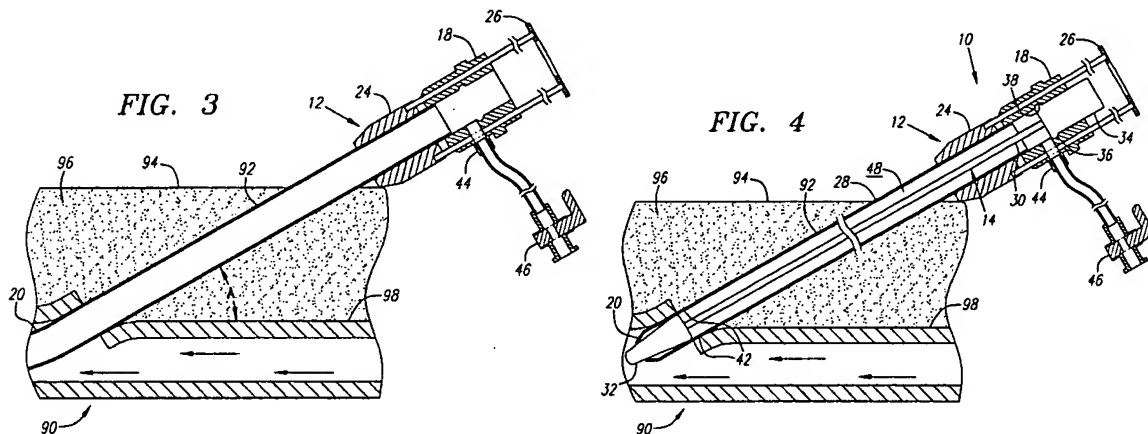
The Examiner rejected claims 1-3, 5, 6 and 8-11 under 35 U.S.C. §102(e) as purportedly being anticipated by Ginn, U.S. Patent No. 6,626,918, hereinafter "the '918 patent." The Examiner argued that the '918 patent discloses an occlusion member 14, 32 releasably attached to the elongated member 16. The applicant submits that the occlusion member is described in the '918 patent as an obturator 14 that includes a distal end 32, an elongate body 28, a proximal end 30 and a handle 34 which are all permanently connected.



The applicant has amended the claims to more clearly describe the operation of the claimed invention. Claims 1 and 9 have been amended to add the limitation that the occlusion member is releasably coupled to the elongate member and released from the elongate member within the patient's body. Claim 5 was amended to add the limitation of releasing the occluding member from the elongated member within the tract extending

between the blood vessel puncture and the patient's skin to substantially block blood from out of the blood vessel.

With reference to Figs. 3 and 4, reproduced below, the applicant submits that the '918 patent does not disclose the release of the occlusion member 14, 32, 34 from the elongated member 16 within the patient's body 96. Fig. 3 illustrates the elongate member 20 inserted through an incision 92 into the patient's blood vessel 90. Fig. 4 illustrates the occlusion member 14, 32, 34 inserted into the lumen elongate member 20. The handle 34 of the occlusion member has an annular ridge 36 that engages a pocket 38 to secure the occlusion member in place when it is fully inserted within the sheath 12. ('918 patent, Col. 5, lines 56-64, Col. 6, lines 28-35, Col. 7, lines 40-44, Col. 8, lines 33-38, 55-58.) There is no disclosure within the '918 patent of the occlusion member being released from the elongate member 20 within the patient's body 96.



For these reasons, the applicant submits that amended claims 1, 5 and 9 are not invalid under 35 U.S.C. §102(e) in view of the '918 patent. Claim 2 was cancelled because the limitation that the occlusion member is releasably coupled to the elongate member was added to claim 1. Claims 3 and 4 have been amended to change the dependency from claim 2 to claim 1. The applicant submits that claim 3 is not invalid under 35 U.S.C. §102(e) in view of the '918 patent for the same reasons discussed in claim 1.

Claim 6 was cancelled because the limitations that the occlusion member is releasably coupled to the elongate member and the occluding member is released from the elongate member were added to claim 5.

Claim 8 was amended to change the dependency from claim 6 to claim 5 and change the limitation to correspond to the releasing step of claim 5. Claim 8 includes the limitation that the occluding member is released at a predetermined distance from the point at which blood flow into the first opening is substantially prevented. As discussed above in claim 5, the applicant submits that the '918 patent does not disclose releasing the occluding member from the elongated member within the patient's body. Thus, the '918 patent also does not disclose the limitation that the occluding member is released at a predetermined distance from the point at which blood flow into said first opening is substantially prevented. For these reasons, the applicant submits that claim 8 is not invalid under 35 U.S.C. §102(e) in view of the '918 patent.

Claim 10 was cancelled because the limitation that the occlusion member is releasably coupled to said elongate member was added to claim 9.

Claim 11 was amended to change the dependency from claim 10 to claim 9. For the same reasons discussed with respect to claim 9, the applicant submits that claim 11 is not invalid under 35 U.S.C. §102(e) in view of the '918 patent.

In the office action claims 6-12 were rejected under 35 USC 112 second paragraph as being indefinite. The Examiner pointed out that claim 6 did not provide the antecedent basis for "said occluding member." Claim 6 has been cancelled and claims 7 and 8 have been amended to depend from claim 5 rather than claim 6. For these reasons, the applicant submits that antecedent basis error of claims 7 and 8 has been corrected and claims 7 and 8 are not invalid under 35 USC 112 second paragraph. The Examiner also contends that the phrase "aligned proximally over said occlusion member" in claim 9 is vague and unclear. Although the applicant disagrees that this phrase is vague and unclear, the applicant has amended claim 9 to change this limitation to "said lumen of said elongate member contacts said occlusion member." The applicant submits that this

amended limitation is clearly defined. Claims 11-12 depend from claim 9. For these same reasons, the applicant requests that the rejections of claims 9, 11 and 12 under 35 USC 112 second paragraph be removed.

The Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter under 37 CFR §1.75(d)(1). In particular, the Examiner argues that the specification does not provide the proper antecedent basis for the occluding member being released at the same time that blood flow into the opening is prevented. The applicant has amended paragraph [0042] to include the disclosure that the occluding member is released at substantially the same time that blood flow into said first opening is substantially prevented. The applicant submits that amended disclosure is not new matter because this disclosure was included in claim 7 of the originally filed application. The applicant submits that the requirements of 37 CFR §1.75(d)(1) have been satisfied because the applicant has amended the specification to provide the required antecedent basis.

The applicant thanks the Examiner for acknowledging that claim 4 includes allowable subject matter. For the reasons discussed above in claim 1, the applicant has not rewritten claim 4 in independent form.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned collect at (415) 705-6377 if there are any outstanding issues or questions which can be resolved to allow this application to be passed to issue.

Respectfully submitted,

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Dated: December 21, 2007

By: 

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